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15
16 **UNITED STATES DISTRICT COURT**
17 **CENTRAL DISTRICT OF CALIFORNIA**
18 **WESTERN DIVISION**

19 DISH NETWORK L.L.C.,

20 Plaintiff,

21 v.

22 JADOO TV, INC., SAJID SOHAIL,
23 HASEEB SHAH, EAST WEST
AUDIO VIDEO, INC., and PUNIT
24 BHATT,

25 Defendants.

Case No. 2:18-cv-9768-FMO (KSx)

**DECLARATION OF STEPHEN M.
FERGUSON IN OPPOSITION TO
DEFENDANTS' APPLICATION FOR
AN *EX PARTE* ORDER TO
CONTINUE HEARING DATE ON
DEFENDANTS' MOTION TO
QUASH SUBPOENAS PURSUANT TO
FEDERAL RULE OF CIVIL
PROCEDURE 45**

Date: September 4, 2019

Time: 10:00 a.m.

Ctrm: 580

Judge: Hon. Karen L. Stevenson

1 I, STEPHEN M. FERGUSON, of Houston, Texas declare as follows:

2 1. I am an attorney with the firm of Hagan Noll & Boyle LLC, counsel for
3 Plaintiff DISH Network L.L.C. (“DISH”). I am licensed to practice in Texas and
4 admitted *pro hac vice* for purposes of representing DISH in this case and the JadooTV,
5 Inc. (“JadooTV”) bankruptcy case. I make this declaration based on personal
6 knowledge and, if called on to testify, would testify competently as stated herein. This
7 declaration is filed in opposition to Defendants’ application for an *ex parte* order to
8 continue the September 4, 2019 hearing on Defendants’ motion to quash non-party
9 subpoenas pursuant to Federal Rule of Civil Procedure 45.

10 2. Attached as **Exhibit 1** is a true and correct copy of the docket report for
11 the JadooTV bankruptcy case. Defendants’ counsel, Mark Punzalan, is not identified
12 as JadooTV’s bankruptcy counsel.

13 3. Attached as **Exhibit 2** is a true and correct copy of JadooTV’s *ex parte*
14 motion in the JadooTV bankruptcy case to continue the status conference and
15 hearings on JadooTV’s stock repurchase motion and defense costs motion from
16 August 28, 2019 to September 4, 2019. The bankruptcy court granted JadooTV’s
17 motion continuing the status conference and hearings to September 4, 2019.

18 4. Defendants’ counsel, Mark Punzalan, and I telephonically met and
19 conferred on August 27, 2019 concerning Defendants’ request to continue the
20 September 4, 2019 hearing on Defendants’ motion to quash subpoenas and the
21 October 2, 2019 hearing on DISH’s Motion for an award of expenses incurred in
22 bringing its motion to compel Sajid Sohail’s (“Sohail”) production of documents. I
23 asked Defendants’ counsel for the basis in continuing to pursue the motion to quash
24 subpoenas in light of the Court’s August 14 Order finding the automatic stay did not
25 apply to non-debtor Sohail. Defendants’ counsel responded that the motion was
26 briefed and he was not going to argue the motion during our call. I also asked
27 Defendants’ counsel why he believed he needed to attend the JadooTV bankruptcy
28 status conference or motion hearings on September 4, 2019. Defendants’ counsel

1 responded that he needed to be present at the status conference because the
2 bankruptcy court may have questions about his fees or the civil litigation.

3 5. Attached as **Exhibit 3** is a true and correct copy of an email that I sent
4 to Defendants' counsel on August 27, 2019, following our meet and confer.

5 I declare under penalty of perjury that the foregoing is true and correct.
6 Executed on August 28, 2019.

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8 /s/ Stephen M. Ferguson
9 Stephen M. Ferguson
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